THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.23133 of 1998

Dated : 21.06.2007

Between:

Potula Narasaiah S/o Veera Mallu

…**PETITIONER**

And:

General Manager, Somagundam I Incline,
Singareni Collieries Company Limited,
Mandamarri, Adilabad District and another.

… RESPONDENTS

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.23133 of 1998

ORDER:

This writ petition is filed for a Writ of Mandamus to declare the action of the respondents in directing the petitioner to work as Timberman as illegal, arbitrary and without jurisdiction and for a consequential direction to the respondents to continue the petitioner as Timberman Muccaddam.

In the affidavit filed in support of the writ petition the petitioner stated that he has been working as Timberman Muccaddam since 1996 in the place of one Boddula Chittari, who was transferred to Kasipet Block Mine, and that the persons, who hold or discharge the functions of Timberman Muccaddam, are entitled to get one increment in their scale of pay. It is also averred that by order dated 21.09.1996, under which the petitioner was placed in-charge of the Timberman Muccaddam in the place of Boddula Chittari, he was sanctioned the increment with effect from 01.07.1996. He further alleged that the respondents discontinued him from discharging the duties of Timber

Muccaddam and instead, he was directed to attend the duties of an ordinary Timberman for the last two weeks before filing of the writ petition, without any notice or orders in writing. He stated that such an action of the respondents amounts to reversion without notice, and causing monitory loss for no fault on his part.

In the counter-affidavit filed on behalf of the respondents, the General Manager of the Singareni Collieries Company Limited stated that Timberman Muccaddam is not a higher or promotional post to the post of Timberman and that the persons holding both the posts perform same duties, but the only difference between the two posts is that whenever a Timberman acts as Timberman Muccaddam, he will be paid one additional increment. It is also stated that normally the senior most Timberman will be kept in-charge of the Timberman Muccaddam. It is further stated that the petitioner continues to hold the post of Timberman and though he was discontinued from being in-charge of Timberman Muccaddam, he still continues to have one additional increment which he had already acquired by virtue of working as Timberman Muccaddam and there is no change in it and both the posts being of same cadre, petitioner cannot have any grievance.

At the hearing, there is no representation on behalf of the petitioner. Heard Ms.V.Uma Devi, learned counsel for the respondents, and perused the record.

The proceedings dated 21.09.1996 filed by the petitioner show that the petitioner was sanctioned one extra (Muccaddam) increment since he was performing the duties of Timberman Muccaddam in the place of
Sri Boddula Chittari, Timberman Muccaddam, on his transfer to Kasipet Block Mine. Petitioner failed to show that the post of Timberman Muccaddam is a higher post to the post of Timberman nor

he filed any rejoinder or material to deny the specific plea raised by the respondents that both the posts are equal in cadre and that discontinuing the petitioner from being in-charge of Timberman Muccaddam does not amount to reversion. Apart from this, it is specifically pleaded in the counter-affidavit that the increment already sanctioned in the proceedings dated 21.09.1996 is not taken away since it was acquired by the petitioner while he was working as Timberman Muccaddam. I do not, therefore, see any reason for the petitioner to feel aggrieved by his discontinuance as Timberman Muccaddam.

For the aforementioned reasons, there is no merit in the writ petition, and it is accordingly dismissed. There shall be no order as to costs.

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21.06.2007

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